No. **24-7187**

IN THE

SUPREME COURT OF THE UNITED STATES

ELIZABETH ANNE FITZGIBBON – PETITIONER
vs.
ADAM PAUL FITZGIBBON – RESPONDENT

ON PETITION FOR A WRIT OF CERTIORARI TO THE APPELLATE COURT OF WISCONSIN

PETITION FOR REHEARING

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Per Supreme Court Rule 44.2, Elizabeth Anne Fitzgibbon respectfully petitions for rehearing her Petition #24-7147 after its October 6, 2025 Order denial. Elizabeth welcomes a simple Grant, Vacate, Remand ("GVR") to fix the falsified Judgment that impedes the lives of both litigants. Only such relief will spare perpetual and expanding conflict.

The Wisconsin judicial system has failed. On record, its Winnebago County Circuit Court admitted losing and destroying critical case documents (a records retention liability for itself and its State). To cover-up his employer's error, a Judge falsified documents, claimed he reconstructed those his employer destroyed, and ordered their enforcement. Despite both litigants agreeing that these false documents are inaccurate and unapproved, all superior courts have ignored basic facts, statutes, and case law to affirm the Judge's Order.

Judicial misconduct is rare, but it is a cancer deadly to the soul of this nation. Since the Petition was filed, the cancer has further metastasized. Only this Court, via this motion, offers a cure and path to recovery. This well-preserved case is unique, but reveals all-too-common suffering. Nationally, there are countless websites, non-profits, and documentary films that seek to warn, shield, or console millions of others from the federally-supported, state-run, statutory marital system, which increasingly inflicts an illness: inherent conflicts of interest that create flagrant judicial abuses upheld as discretionary or equitable even amidst fraud. This $50B/year business is killing the President's Great and Healthy agenda.

Tradition is powerful, but not gospel; a good cause should overturn stare decisis, just as *Loving v. Virginia* or *Obergefell* did. This case offers this Court an equal opportunity because more urgent than revising any law, State courts must be compelled to uphold their own statutes, abide by their own statute-imposed constraints, and honor our Constitution.

REASONS FOR GRANTING REHEARING

The merits of Elizabeth's Petition for a Writ of Certiorari ("Petition") already strongly favored this Court's grant. However, per Rule 44.2: "...intervening circumstances of a substantial or controlling effect..." occurred after Elizabeth prepared her Petition, which in turn, created new risks/issues if rehearing or GVR is not granted. Brief context is needed.

This case stems from the Winnebago County, Wisconsin Circuit Court (lower case "court") admitting to losing and destroying the only copies of the Fitzgibbons' proposed Marital Settlement Agreement ("MSA") filed January 28, 2022, which replaced and voided a prior proposed contract/MSA. Also accidentally, the court approved and used a voided/replaced proposed MSA to "divorce" the Fitzgibbons on February 7, 2022. This error left the litigants' Judgment of Divorce (R.19) referring to a document that the court never reviewed or approved (and now never could be, as the January 28, 2022 MSA no longer existed).

On April 26, 2022, the court convened a virtual hearing to review the situation, responding to Elizabeth's request. The court agreed that it had lost and destroyed the January 28, 2022 MSA, which the court denied ever seeing, much less approving. All reached consensus that a new divorce was needed. To do so, the court's Order specified that the Fitzgibbons would create/file a new MSA, and in turn, the court would hold a new divorce hearing to review and gain all parties' approvals. This would finally, actually, and properly divorce the Fitzgibbons, per WI §767.34 Court-Approved Stipulation for "divorce…subject to the approval of the court" after checking for and overcoming many potential limitations:

1. Both parties' actual consent to the proposed stipulated agreement (MSA)
2. WI §767.34(2)(b) "Limitations on Court Approval"
3. WI §767.34(3) "Approval of Stipulation… Contingent on Future Event"
4. WI §767.35(1)(c) "court has considered and approved or made provision for legal custody and physical placement, the support of any child of the marriage entitled to support, the maintenance of either spouse, and the disposition of property."

A contested divorce would resolve constraints by the parties or judicial statutory or case law limitations. Properly, the court scheduled a new Default Divorce hearing for May 23, 2022. Adam had misgivings though, backtracked, and refused to cooperate, now wanting to keep the original Judgment (R.19). He repeatedly motioned to adopt it, albeit modified further in his favor. Notwithstanding the April 26, 2022 Order, he requested to adjourn the Default Divorce hearing. The court granted and rescheduled it to July 25 (later: September 9, 2022). Adam then "kidnapped" A.J.F. (his and Elizabeth's last living of six children), withholding him and all of Elizabeth's assets and support for months. He wasted marital assets buying an RV before camping much of the summer (Wilson Lake Campground, in Wild Rose, WI) and even ending all communications to exacerbate the custodial situation. Drunk on power, Adam extorted Elizabeth, offering A.J.F.'s return in exchange for favorable financial and custodial MSA terms, parentally alienating A.J.F. from Elizabeth to gain leverage. Eventually, Adam's counsel severed representation, but Adam continued to hold everyone hostage: A.J.F., Elizabeth, the court, and the State of Wisconsin.

Meanwhile, on June 10, 2022, this case's initial adjudicator, Hon. Family Court Commissioner ("FCC") John E. Bermingham retired and also resigned his Bar license (#1018653). In parallel, the Hon. Judge Barbara H. Key (#1002491) retired. Their replacements would soon dishonor the law and the court's agreement with the Fitzgibbons.

Rather than compel Adam to negotiate an MSA, or hold a trial for a contested divorce if needed, on January 6, 2023, the transcribed hearing detailed how the Hon. Judge Bryan D. Keberlein (#1061372) solely and *sua sponte* created his own proposed MSA, aptly titled

"Third Amended Martial [sic] Settlement Agreement" filing it the following week (R.126) and sought no approval for it nor for the process that he used to create it. Instead, Judge Keberlein substituted all MSA signatures with a statement that his proposed MSA (R.126) had reconstructed the lost/destroyed January 28, 2022 MSA. However, Elizabeth and Adam remained married, still pending their repeatedly adjourned Default Divorce hearing.

The case took an unforeseen turn. To forge a "contract", Judge Keberlein appended his proposed MSA (R.126) to a new divorce Judgment (R.127), purporting that FCC Bermingham had reviewed, approved, and used Judge Keberlein's proposed MSA (R.126) to divorce the Fitzgibbons eleven months earlier (February 7, 2022). However, the three listed parties (both Fitzgibbons and FCC Bermingham on behalf of the State of Wisconsin)[1] had never reviewed or approved Judge Keberlein's proposed MSA (least of all, the retired FCC). All three parties' consent are required by statute (e.g. WI §767.34(2), §767.35(1)(c)) and case law (court "approval of such agreements is necessary to uphold the active third-party interests which the state has in divorce cases...the provisions become its own judgment." *Ray v. Ray*, 57 Wis.2d 77,84, 203 N.W.2d 724 (1973)) so as to uphold legislated public policies for equitable marital division and proper minor/child care. In effect, Judge Keberlein had fraudulently claimed a three-party "meeting of the minds" had occurred on February 7, 2022, when it had not and that he had memorialized their agreement, which he both could not and did not. Judge Keberlein had merely ordered his own falsified Judgment with MSA. This hurt Elizabeth, but benefitted Judge Keberlein's employers and himself for "fixing" his employers' records retention negligence, e.g.:

1. WI §757.54(1) Retention, Disposal "of all court records and exhibits...of any nature in a court of record shall be determined by the supreme court" (via SCRs)
2. WI SCR 72.01(11) Retention: "Family case files. All documents deposited with the clerk of circuit court in every proceeding commenced under ch. 767, stats.: (a) 40 years after entry of judgment...or entry of a final order."
3. WI SCR 72.02(1) Disposal: "A clerk of court...may destroy records...after minimum retention periods under SCR 72.01 have expired"

Adam and Elizabeth (the only people who have ever claimed to have reviewed/approved their January 28, 2022 proposed MSA) both averred on record that Judge Keberlein's MSA was inaccurate, incomplete, unapproved by anyone, and therefore neither a reconstruction. Reviewed and approved by neither Fitzgibbon nor the court, Judge Keberlein's MSA was

[1] "marriage is a civil contract to which there are three parties: the husband, the wife and the State" *Linneman v. Linneman*, 1 Ill.App.2d 48,50, 116 N.E.2d 182 (1954), clarified *Button v. Button*, 131 Wis.2d 84,94, 388 N.W.2d 546 (1986): "Marriage is not simply a contract between two parties... state has a special interest...spouses...contract in the shadow of the court's obligation to review".

never used in a February 7, 2022 divorce as Judge Keberlein's Judgment falsely states (R.127:1). So, Elizabeth appealed. On May 30, 2023, Judge Keberlein denied her Motion to Stay and expressed confidence that the Appellate Court would affirm his decisions.

Indeed, WI District II Hon. Justices Maria S. Lazar (#1017150), Shelly A. Grogan (#1018076), and Lisa S. Neubauer (#1011685) denied Elizabeth's Appeal, discarding statutory divorce requirements and relying on inapplicable (e.g. 2-party, neutral judge) commercial contract law cases to affirm Judge Keberlein's Order. The WI Supreme Court then denied Elizabeth's Petition. Yet unlike a discretionary judicial decision, the fact remains: FCC Bermingham never reviewed/approved Judge Keberlein's MSA as stated (R127:1), nor did the Fitzgibbons, so no divorce ever occurred, by stipulation or by trial.

In April 2025, Elizabeth notified the court that she would honor the Judgment with MSA (R.127) if supplied convincing evidence that it was equitable, accurate, and approved as Wisconsin statutes required. Bryan D. Keberlein (as Judge or man) had been the only one to have ever claimed that his Judgment with MSA was any or all of these, but he repeatedly refused to offer evidence, despite Elizabeth giving him weeks and multiple court hearings to do so. When her April 23, 2025 deadline passed (R.671), it left Judge Keberlein's falsified Judgment with MSA (R.127) not only invalid, but also moot (no claimants).

Disqualification: Upon filing his proposed MSA, Judge Keberlein had a minimal duty to recuse/disqualify himself from the case due to WI §757.19(2) that relevantly states:

> **(2)** Any judge shall disqualify himself or herself from any civil or criminal action or proceeding when one of the following…occurs: When a judge
>
> **(b)** is a party or a material witness
>
> **(d)** prepared as counsel any legal instrument or paper whose validity or construction is at issue.
>
> **(f)** has a significant financial or personal interest in the outcome of the matter.
>
> **(g)** determines that, for any reason, he or she cannot, or it appears he or she cannot, act in an impartial manner.

(Note: 28 U.S.C. §455 Federal judge disqualification aligns with WI §757.19(2).)

Acting as the representative party for the State of Wisconsin, Judge Keberlein had created and ordered his own legal instrument (Judgment with MSA, R.127). Similarly, Judge Keberlein is a material witness, having solely claimed to have reconstructed (R.126:10) a legal instrument his employer lost/destroyed, the validity, completeness, and construction of which were all disputed by both Fitzgibbons. Judge Keberlein is employed by both

Winnebago County and the very court (and Wisconsin judicial system) whose document retention negligence created their significant liability. As such, Judge Keberlein stood to gain (e.g. politically via endorsements and financially via promotions such endorsements facilitate) from his employer's gratitude for fixing his employers' liability. Judge Keberlein cannot adjudicate impartially, as beyond a conflict of interest to fix his employer's liability, he next needed to conceal his own actions: falsifying official, postal-mailed records involving real estate and substantial money to benefit himself and his employers. In doing so, he deprived both Fitzgibbons of their civil rights, due process, and equal protection as Elizabeth's Petition presented. April 2025 hearing transcripts documented his repeated threats to deprive Elizabeth of liberty (incarceration), property (fines, fees), and custody (parental rights, partly due to imprisonment) in his attempts to coerce her to accept his falsified Judgment with MSA (still under appeal). This confirmed Judge Keberlein's disqualifying conflict of interest is actual, not theoretical, since his behavior and Orders are so conscience-shocking that they risk harming the U.S. judicial system, not mere careers. When Judge Keberlein would not volunteer to recuse/disqualify himself, Elizabeth twice motioned for a more neutral court, per WI §801.52, which states:

> **801.52 Discretionary change of venue.** The court may at any time, upon its own motion, the motion of a party or the stipulation of the parties, change the venue to any county in the interest of justice

Judge Keberlein was not only empowered to act, but as the Chairman of Wisconsin's Judicial Conduct Advisory Committee[2] fully knew he should, yet was now shamefully, repeatedly reminded to transfer the case to a neutral court. On May 9, 2025, Elizabeth's Motion to Stay (R.127)'s enforcement was to be heard with both Venue Change Motions.

So begins this petition's intervening circumstances of a substantial or controlling effect.

I. May 9, 2025 Hearing in Wisconsin's Winnebago County Court

After Elizabeth mailed her Petition to Adam and initiated hand-delivery of its Proof of Service with her Petition to this Court on May 9, 2025, Judge Keberlein declined to permit Elizabeth's remote attendance from Washington D.C. into that afternoon's court hearing in Wisconsin. Even so, neither Elizabeth's Motion to Stay (R.668) enforcement of the false Judgment with MSA (pending her Petition, which statutorily required Judge Keberlein's review) nor her Motions to Change Venue (R.614)(R.663) to resolve Judge Keberlein's disqualifying conflicts (WI §801.52; §757.19(2)) required Elizabeth's presentation for the court to justly act, as Elizabeth noted in her pre-trial memo (R.683) filed two days before.

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[2] Through March 7, 2027: https://www.wicourts.gov/courts/committees/judicialconduct.htm

Judge Keberlein had other ideas. Again declining to even offer to recuse/disqualify himself, he denied both of Elizabeth's Change of Venue Motions to unjustly remain in control. This minimized disclosing this case's damning details to (and oversight from) his peers and other courts. This left no doubt of Judge Keberlein's intent to usurp and wield unauthorized rule-making, adjudication, and punitive powers – a tyrannical trifecta.[3]

Exemplifying this: To enforce his prior Order (R.125) and falsified Judgment with MSA (R.127), Judge Keberlein next ordered a Receiver to sign Quitclaim Deeds that transferred Elizabeth's portions of her home and land to Adam, without her consent. Absurdly:

1. Now, Judge Keberlein is not even honoring his Judgment with MSA (R.127), as ordering the Receiver defeats clear provisions, making them mere surplusage. All MSAs on record state, "In the event that Adam has not closed on the refinancing of the parties' residence within 90 days of the date of divorce, the residence shall be immediately placed on the market for sale". Elizabeth wrote this provision into prior MSAs (e.g. R.19) to drive Adam's efficient, equitable asset transfers, as Adam controlled most joint assets, but sought to keep the house. Adam agreed to it, and Judge Keberlein word-for-word re-used the provision in his false Judgment with MSA (R.127), albeit with inaccurate, inequitable consideration for Elizabeth.
2. Judge Keberlein stated that if a superior court reverses his Order (for the Receiver's acts), that the title transfers can be "undone." Judge Keberlein either is aware of a title-transfer-voiding process unknown to industry experts (e.g. subpoenaed Vice President of Adam's preferred lender, R.252), irresponsibly stated a falsity, or envisioned falsifying real estate title records (e.g. alter transfer facts) much as he did with this case's divorce Judgment (as he also said he would do to "re-create" a conviction Judgment, even if "through all sorts of different means" (R.135:23¶7-13)). Any coercive or fraudulent method will taint the Fitzgibbons' real estate titles, causing significant financial harm to them as well as to others (e.g. creditors, insurers, future owners, neighbors, Winnebago County, and Wisconsin).
3. Judge Keberlein knew from case records (R.134:3)(R.139:10)(R.175:20)(R.369) that Elizabeth had encumbered her marital assets (even real estate) as collateral for the liquidity she needed to flee Adam and pay her necessities (e.g. legal fees, living expenses) until she received her marital assets (post-divorce). Judge Keberlein even ordered the Receiver to investigate the encumbrances (R.692:2) with unclear, if any, authority to usurp Elizabeth's property rights or review her private contracts, as Adam, the court, and Wisconsin were uninvolved with Elizabeth's third party loans until Judge Keberlein's May 9, 2025 Order sought to violate them.

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[3] "The accumulation of all powers, legislative, executive, and judiciary, in the same hands… may justly be pronounced the very definition of tyranny." James Madison, The Federalist Papers No. 47

4. By bypassing Elizabeth via the Receiver, Judge Keberlein has now begun to threaten others beyond the Fitzgibbon family: creditors, real estate/financial firms, title insurers, Winnebago County, the State of Wisconsin, and even the Receiver. The Receiver met with Elizabeth, who provided clear and compelling evidence of the case's judicial errors and wrongs. The Receiver met with a creditor, who audio-recorded offering access to the (notarized) contract that encumbered all of Elizabeth's marital assets, including her portions of their co-owned home and land. The Receiver seemed duly concerned by the case and wisely refrained from acting (or even following-up with Elizabeth or the creditor) now five months and counting. If the Receiver fulfills Judge Keberlein's Order, the Receiver would now knowingly execute a falsified Judgment with MSA, risking her limited legal immunity, since she would be partly responsible for causing widespread litigation with and between parties and prior non-parties. Even if the Receiver is legally immune, she is a prominent attorney (Kathleen M. Healy, #1045731) and risks reputational harm (as does her law firm, which employs many in her family, e.g. Howard T. Healy #1015920, Meghan E. Healy #1059482, John H. Healy #1062960) for aiding execution of a falsified Judgment with MSA. However, the Winnebago Court is the venue for much of Attorney Healy's and her firm's work. So, if Attorney Healy does not fulfill Judge Keberlein's Order, she, her firm, and their clients all risk judicial backlash, not only from Judge Keberlein, but the court's other officers and employees (e.g. clerks, aids, FCCs, and now Judge Rust, who upheld Judge Keberlein's "fix" of their court's records retention liability) all of whom may have had duties to report or resolve the errors and wrongs of the case (e.g. misprision). Few would appreciate public exposure of their inaction, silence, and hidden liabilities. Even those uninvolved could suffer from association. So, in choosing a Receiver from a local, multi-generational law firm, Judge Keberlein created a conflict of interest that undermines the Attorney Healy's authority to act. If she declines Judge Keberlein's Order, she implicitly denigrates it, so it is even less likely that any other attorney would sacrifice their reputation to fulfill it.

As such, both Fitzgibbons, as well as the County, the State of Wisconsin, the Receiver and many thousands of others beyond this case would benefit from this Court's GVR.

II. Adam filed no opposition because he agreed with Elizabeth.

While Adam was not required to respond to Elizabeth's Petition, he did not timely do so since Adam can offer no material, factual opposition. On record, Adam agreed with Elizabeth's argument: Judge Keberlein's Judgment with MSA is inaccurate, so it was approved by none of its stated parties, so is not the reconstruction it claims to be (R.127:19). Adam's passivity stems from his desire to use Judge Keberlein's falsified Judgment with MSA because it granted Adam an unjust financial windfall.

III. Upon the Petition's denial, new protected rights were violated.

On October 6, 2025, when this Court denied Elizabeth's Petition, this Court not only began solidifying Wisconsin's harms to both Elizabeth and Adam (unable to divorce), but also extended the harm, even to non-parties beyond the litigants.

a. Now, Elizabeth has no remaining legal path to divorce.

Elizabeth is being irreparably harmed by being denied a path to ever severing legal ties with Adam. Instead, they remain married and financially entangled. No State court performed its statutory duties to divorce the Fitzgibbons, as in Wisconsin, only statutes grant any authority to govern marriages/divorces, so statutes must be followed for a divorce to occur. Per *Zawistowski v Zawistowski*, 2002 WI App 86, 253 Wis.2d 630, 644 N.W.2d 252 (WI Ct.App., 2002), "In a divorce proceeding, a trial court has only that authority given it by statute." Elizabeth's Petition and prior litigation detail how all State courts failed to perform their statutory duties and remain within their statutory authority. Judge Keberlein believes that without any party's consent, he can order a retroactive, stipulated divorce, using another court officer's approval, falsifying official records to that effect So too did the WI Appellate Court. Yet no judge, nor justice, has cited any statutory authority, any case, or doctrine that allowed him to do so. "No Kings" extends beyond country presidents, so a divorce outside of clear statutory limits defies the Wisconsin Legislature, breaches the litigants' statutory contract with the State of Wisconsin, and eviscerates judicial trust.

b. Now, forever-married Elizabeth cannot marry anyone else.

WI §765.03(2) states, "It is unlawful for any person, who is or has been a party to an action for divorce in any court in this state, or elsewhere, to marry again until 6 months after judgment of divorce is granted" as well as "the marriage of any such person solemnized before…6 months from the date of the granting of judgment of divorce shall be void." Further, WI §765.04(1) prevents marriage abroad to circumvent §765.03(2). WI §765.09 adds, "No application for a marriage license may be made by persons lawfully married… Each applicant for a marriage license…shall swear to or affirm the application…shall submit a copy of any judgment…affecting the applicant's marital status."

If a court unwittingly permitted Elizabeth to marry another person, it would do so in error, unaware of her existing marriage to Adam. Not only would her new marriage be void, but the marriage-applicant, marriage-officiating person, approving clerk, and others (e.g. witnesses, even legal counsel) would face penalties of up to $10,000 in fines and 9-months' imprisonment per WI §765.30, as well as legal defense fees likely far exceeding those fines.

c. Now, non-party Robert is harmed, unable to marry Elizabeth.

Before, there was a clear path to Elizabeth being able to marry another person, as this Court was the first and only judicial body without Wisconsin's obvious conflicts of interest (e.g. conceal record retention errors) that led to Judge Keberlein's falsified Judgment with MSA.

For years, Robert (Elizabeth's boyfriend, R.134:2) remained a non-party. At least as family-oriented as Elizabeth, Robert only began dating her when there was a clear path to their possible marriage. When this Court denied her Petition, it denied a path for his legal union with Elizabeth. Robert is well-aware of the Fitzgibbons' improper divorce (ergo, their ongoing marriage), so he faces the same statutory marriage obstacles and WI §765.30 penalties that Elizabeth does and is now irreparably harmed in much the same way as she.

Unlike Elizabeth, Robert is free to marry others, yet he has invested equally into his relationship with her as she has with him. Robert has also invested heavily into his relationship with A.J.F., but is now permanently denied the dignity of a step-father title. Without this Court rehearing and granting Elizabeth's Petition, Robert will remain harmed.

Both Elizabeth's and Robert's fundamental rights to marry are being violated. Elizabeth and Robert now possess standing by virtue of their knowledge that even their mere sworn application for a marital license (whether or not granted) subjects both of them to the severe penalties stated in WI §765.30. Both are being denied a path to sharing the legal security, social standing, and commitment recognition they desire.

d. Now, Elizabeth's and Robert's personhoods and their relationship together have been permanently diminished.

After the February 7, 2022 hearing, which all assumed had divorced the Fitzgibbons, Elizabeth and Robert celebrated and publicly progressed their relationship. The eventual discovery of the Fitzgibbons' improper divorce (ergo, the Fitzgibbons' ongoing marriage) began to taint public views of Elizabeth's and Robert's relationship, with some seeing their relationship as sinful (e.g. violating the 6th/7th Commandments in Christian/Talmudic law) and pressed Elizabeth to dissolve her marriage before the couple continued a relationship.

However, Adam's obstruction, compounded by court decisions to create, order, and enforce false official documents, prevented a resolution. This made it increasingly distressful for Elizabeth and Robert to defend the moral foundation of their relationship. Rather than recognize their legal inability to commit, many have lazily and incorrectly interpreted their relationship stagnation as their unwillingness to commit. Few people have ever bothered to study this divorce case to sufficiently understand how Elizabeth has been denied due process and equal protection, and has been victimized by Wisconsin courts'

sustained dereliction of its duties. After this Court denied Elizabeth's Petition, fewer still will ever bother to sufficiently understand the solidifying legal limits on Elizabeth's relationship with Robert (or anyone else), particularly given how absurdly convoluted this case has become. This permanently denigrates and diminishes her and Robert's extra-marital relationship as merely their choice for a non-traditional, non-committed lifestyle. For both, this is unjust defamation per se, not merely a deprivation of their rights.

e. Now, Adam's rights are as violated as Elizabeth's.

Adam is being deprived of the same rights to divorce and marry another and his personhood has been similarly diminished, as he is also legally bound to her. He, the Wisconsin courts, mortgage lenders, insurers, and other financial institutions are aware of the risks involved in working with all remaining Fitzgibbons' assets, particularly co-owned titled property, which could result in such multi-generational litigation as infamous as *Schafer v. Wegner*, 78 Wis.2d 127, 254 N.W.2d 193 (1977) that at least began with a valid divorce Judgment.

Elizabeth and Robert at least benefit from beginning their relationship with the belief that she would be eligible to marry if their relationship sufficiently matured. However, without such relief as this Court granting certiorari and/or GVR, neither Adam, nor any mutual interest of his can credibly begin a relationship under the assumption that Adam could ever marry. Even if Adam disagrees, the publicity of this case (14 of the first 20 results from an Internet search of Adam's name) ensures that any potential partner would learn that they too face the penalties in WI §765.30, harming Adam's prospects. Adam is aware that some of Elizabeth's supporters would likely object to his attempt to marry another person, even if only to first compel his support for a proper, legal divorce from Elizabeth. While Adam did not oppose Elizabeth's Petition, Adam's lack of support for it has harmed them both – all know it was his last, best opportunity to wash his legally unclean hands.

f. Now, A.J.F.'s rights are being violated.

Even as a child, A.J.F. has court-recognized rights. Some of A.J.F.'s peers have enjoyed legally adding "bonus parents" (step-parents), who love them and can even gain additional rights to guide their lives, without diminishing the rights of the child's biological parents. A.J.F. should enjoy such added benefits, but what was delayed for years, is now denied: Robert's legal ability to become his step-father. Similar to (but not the same as) Elizabeth, A.J.F. bears social stigmas and lacks the protections of legal relations with Robert.

Further, for most of his recallable life, A.J.F. has unknowingly suffered from his father's obstruction to Elizabeth's sought divorce and shared custody, as well as from court decisions that empowered and emboldened his father's actions. A.J.F. is frustrated that Elizabeth never purchased any of the homes they toured together in February-March 2022,

when Elizabeth anticipated using some of her divorce settlement assets for a down payment. A.J.F. doesn't understand why Elizabeth and Robert have not married, perhaps indicating that they do not love each other as much as necessary, or that Elizabeth and Robert are flawed, so A.J.F. even wonders if his bio-parents "re-marry" instead. A.J.F. does not understand why Robert attended A.J.F.'s court-ordered counseling, while his own father did not (Adam's recorded lies, assault of a therapist, and in-session abuse of A.J.F., resulted in Adam's termination from A.J.F.'s counseling). A.J.F. knows not why Robert tells A.J.F. he loves him, but ceaselessly delays becoming his step-father. A.J.F. dislikes friends calling Robert his "step-dad," as it is an unacquired title (seemingly unsought). A.J.F. yearns for a sibling, but is unaware of the extent of Elizabeth's thwarted desires to build a bigger family or the options Robert presents. A.J.F. doesn't understand why his mother struggles to afford him things that are easy for his father to buy, so he questions his mother's priorities and abilities. Someday, A.J.F. will untangle his confusing childhood and unorthodox adult relationships. He will learn how his family's fortune was lost to litigation, impairing his college dreams of meteorological studies and realize how courts ignored law and harmed him. He will judge his mother's Petition and his parents' deeds.

g. All such new, inadvertently violated rights deserve remedy.

Adam's and Elizabeth's (and with her, Robert's) rights to marry are protected by the Fourteenth Amendment's Due Process and Equal Protection Clauses. This must first begin with upholding Elizabeth's right to divorce Adam under the same Clauses.

Critically, Robert and Elizabeth do not seek this Court to grant a marriage but rather to direct Wisconsin courts to properly divorce the Fitzgibbons so that Elizabeth and Robert can lawfully apply for their own marriage. As such, no exception is needed to the longstanding principles in *Ankenbrandt v. Richards*, 504 U.S. 689, 112 S.Ct. 2206, 119 L.Ed. 2d 468 (1992), because this Court is only called upon to direct Wisconsin's courts to fulfill Wisconsin's own domestic relations statutes, not further subordinate any State's authority. Even so, this Court has periodically subordinated State autonomy to Federal guidance in domestic relations. In *Loving v. Virginia*, 388 U.S. 1, 12, 87 S.Ct. 1817, 18 L.Ed.2d 1010 (1967), this Court thankfully invalidated state bans on interracial unions, stating marriage is "one of the vital personal rights essential to the orderly pursuit of happiness by free men." In *Obergefell v. Hodges*, 576 U.S. 644, 2597-2601, 135 S.Ct. 2584, 192 L.Ed. 2d 609 (2015), this Court reiterated that "the right to marry is fundamental under the Due Process Clause" and has been for a century, across widely varying contexts. (See also, *M.L.B. v. S.L.J.*, 519 U.S. 102, 116, 117 S.Ct. 555, 136 L.Ed.2d 473 (1996); *Griswold v. Connecticut*, 381 U.S. 479, 486, 85 S.Ct. 1678, 14 L.Ed.2d 510 (1965); *Skinner v. Oklahoma ex rel. Williamson*, 316 U.S. 535, 541, 62 S.Ct. 1110, 86 L.Ed. 1655 (1942);

Meyer v. Nebraska, 262 U.S. 390, 399, 43 S.Ct. 625, 67 L.Ed. 1042 (1923).) *Obergefell* even detailed four bases for Constitutional protection of individuals' rights to marry and the "constellation of benefits that the States have linked to marriage." *Id.* at 2601.

In parallel, divorce statutes and judgments are as universally recognized (e.g. WI §767.055 "Uniform Divorce Recognition Act") as are marital statutes and judgments, as mutual benefits only exist from free association. Elizabeth sought to leave her marriage because the abuses she suffered from Adam far outweighed the benefits of remaining married to him. The Wisconsin courts' errors, paired with America's adversarial legal system and Adam's predatory behavior, has only worsened the Fitzgibbons' marital relations, yet by failing to grant her proper divorce, all courts have left Elizabeth legally bound to her abuser and adversary. All States honor Elizabeth's Wisconsin marriage to Adam, so this Court's denial of her Petition requires every State deny her and Robert "the same legal treatment as" any other couple seeking marriage's "constellation of benefits" which "disparage[s] their choices and diminish[es] their personhood[s]" (*Obergefell* at 2602). This is unjust.

Like James Obergefell's Petition, Elizabeth's is as practical as it is principled. Since seeking to permit a marriage with Robert, Elizabeth has wisely made all decisions on a temporary basis, unable to benefit from any legal permanence. Robert was equally limited. Elizabeth and Robert maintain separate finances and expenses, separate homes, and co-own no assets – their lives remain on hold. They are unable to secure health insurance for each other, or benefit from taxation as a couple. Tragically, they are beginning to age out of parenthood and cannot responsibly grow their family amidst this case's legal travesty. (Examples: What rights and responsibilities would Adam have for his wife's child with another man, or for her adoption of a child? What agency, after performing its due diligence on their marital status, would not require Adam to co-sign Elizabeth's adoption of a child, or even offer foster care? What resources will exist to raise children as long as the Fitzgibbons' case remains unresolved, mired in stability-seeking litigation?)

Elizabeth remains without the peaceful, voluntary resolution she has sought to achieve, even after four years, thousands of hours of patient, prudent work. She still shares a mortgage with Adam, who lives rent-free in their home that she cannot safely use. Elizabeth cannot get another mortgage without either a proper divorce or Adam's approval (co-sign), so she's stuck wastefully renting. Meanwhile, Adam continues to use and benefit from Elizabeth's bank account and credit. Elizabeth's life's savings have been spent (e.g. legal fees, necessities) seeking either a proper divorce or upholding her shared custody and placement of A.J.F. (disputes that stem from the court's improper divorce, Elizabeth's defense of her civil and contractual rights, and the court's bias against her for doing so). Unless this Court grants her Petition, she may never gain legal finality or a path to marriage.

IV. Newly discovered Marriage License fraud

This case's national exposure generated diverse feedback, reflection, and insight. In sum:

1. Elizabeth avers that her marriage license application never (or inadequately) revealed that Wisconsin would become a third party[1] in her marriage with interests potentially adversarial to her, particularly when terminating her marriage (divorce).
2. The State of Wisconsin never revealed (in its marriage license application or in its statutes) that it would have its interests represented by the judge presiding over any Fitzgibbon marital issue (e.g. divorce), creating an inherent conflict of interest.
3. Licenses are State-granted permissions for holders to perform acts (e.g. marry) that would otherwise be illegal, yet per *Obergefell* at 2598, the right to marry is a fundamental right, which by definition, cannot be illegal. The State of Wisconsin never disclosed that its license granted no enforcement exception, ergo value, since none of Wisconsin's statutory limitations on marriage even applied to Elizabeth.

As such, it appears the State of Wisconsin had no authority to deny her marriage to Adam and no authority to sell a marriage license that grants any applicable exception. It accepted Fitzgibbons' payments, gained "interests" (WI §767.205(2) "State is a real party in interest") into their lives, yet exchanged no clear consideration, and unfairly structured adjudication to never permit neutrality. As such, the Fitzgibbons' marriage license is void.

V. Executive demands for this Court impaired Elizabeth's Petition

On October 6, 2025, when this Court denied her Petition, Elizabeth's supporters shared alarming statistics about this Court's recent inaccessibility. While this Court lacks capacity to grant certiorari to every Petition, this Court's work backlog grew while it spent much of the year reviewing Presidential decisions and desires on such matters as:

1. tariff impositions, agency budget cuts and shutdowns,
2. immigration / deportation actions and restrictions on birthright citizenship,
3. championed elections, campaign financing and voting reforms, and
4. dismissals (Lisa Cook, Rebecca Slaughter) upending Humphrey's Executor.

In fact, for the 800 cases in her Petition's vicinity (#24-6893 - #25-163), it appeared:

5. 0.0% were granted certiorari;
6. ~10% were still pending this Court's decision (nearly all newer cases); and
7. 24-6892 was the most recent case granted certiorari, which upheld this Court's prior decisions (albeit to protect a meth dealer's firearm rights).

In this Court's denials were many cases from prominent citizens (e.g. Laura Loomer), clean corporations (e.g. USAA), and prestigious non-profits (e.g. ACLU) seeking sane resolution of key issues: fascistic social media manipulation, free speech, privacy rights, parental rights, religious freedom, LGBT equality, self-defense rights, election irregularities, perjured testimony that secured criminal convictions, capital case due process, limits on law enforcement conduct, and Joseph Sherman's heart-wrenching case (#25-59) as an attorney substantially blocked from not only his children taken by his wife, but by the callous and unaccountable Virginia court that muted him. Elizabeth's was not the only family law Petition with judicial bias (#25-116) or property (#25-38) issues. By this Court denying certiorari to ~10% of its annual case pipeline, yet granting a score of Presidential "emergency docket" requests, this Court signals its constrained capacity to resolving countless criminal and civil disputes, which gives the appearance of unfair judicial access. This is particularly unjust for family law, as this Court represents the only neutral adjudicator in the entirety of statutory marriage, state-run domestic relations cases.

Judicial abuse is only cured by judicial relief, as neither public pressure nor even Federal prosecution will (by itself) overturn this case's false divorce. But to stop the case from spiraling, Elizabeth began notifying others: Sheriff John Matz. Governor Tony Evers. District Attorney Eric Sparr (#1052703), Attorney General Josh Kaul (#1067529), and others in the Wisconsin Bar. She met with WI Rep. Dean Kaufert, then briefed others in Wisconsin's Legislature. Repeatedly ignored by U.S. Rep. Glenn Grothman (#1011185), she then teamed with others to notify all 535 members of the U.S. Congress responsible for Federal oversight of State powers. She even notified hundreds of legal organizations and academic leaders across the country. As President Trump holds much of this Court's attention, Elizabeth notified him too and explained why this case is representative of great suffering among Americans who are kept from greatness by the state-run, statutory marital system featuring inherent conflicts of interest, impractical/ineffective oversight, and the bad deal the Federal government gets from the billions it spends in SSA Title IV-D subsidies (only incentivizing obscene State behavior, not helping the needy). Elizabeth asked him to interpose in this case, but also offered to lead transforming domestic relations nationwide. Elizabeth didn't stop and wait for an answer, because as Frederick Douglass opined, "the limits of tyrants are prescribed by the endurance of those whom they oppress." She began presenting this case to the media and queueing interviews as part of a national tour. Inspired, many moral, law-abiding Americans have shared with her their family court tragedies. While specifics differ, this case even pales to some others. Film documentaries[4]

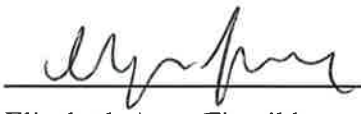
[4] e.g. "Divorce Corp." (IMDB.com/title/tt2636456); "Erasing Family" (IMDB.com/title/tt9252316)

and countless family law groups[5] added more. This case is now the tip of the spear for changing family law, as it suffers from not only the all-too-prevalent state court misconduct, but it also well preserved a court's "original sin" that became significantly responsible for all subsequent issues. As such, it alleviated the doubt imposed on individual litigants commonly blamed for conflict and exposed key flaws in the U.S. domestic relations system that signal a need for stronger guardrails around State judges to rein in rogue authority.[6]

In closing, it's absurd that this case required this Court's attention, but it would be terrifying if this Court did not grant certiorari or GVR. Wisconsin's *Barber v. Barber*, 62 U.S. 582 (1858) may have begun a 167-year tradition of this Court deferring domestic relations cases to State courts, but this Court cannot now be seen as ignoring, much less condoning, a State court's negligence, fraud, and forgery. This is especially true during this period of our nation's rising civil tensions, critically abated by trust in its judiciary. This Court's review is impractical for most family court issues, but if this Court denies Elizabeth relief via rehearing or GVR, Americans will know fair adjudication is entirely inaccessible. Denying this petition will signal State courts to act with impunity, which is a profound risk for the millions of Americans still within the state-run marital system, as well as that system itself.

CONCLUSION

Elizabeth respectfully petitions this Court to rehear her Petition for a Writ of Certiorari or grant GVR. Respectfully submitted, this 28th day of October, 2025.

By: 

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[5] e.g. DismantlingFamilyCourtCorruption.com; CenterForJudicialExcellence.org; FCVFC.org; NationalFamilyJustice.org; FCLU.org; HumanityAgainstViolence.com; NationalSafeParents.org; FathersAdvocacyNetwork.com; NOW.org; SMFCA.org; StopYorkFamilyCourtCorruption.com; NCFM.org; FathersUnite.org; NCCPR.org; OneMomsBattle.com; ChildCustodyAdvocacy.org; ConnecticutProtectiveMoms.org; FamilyCourtReport.org; NOMAS.org;

[6] e.g. Larry Klayman (denied cert October 6, 2025: #25-16) has a 5-point plan ready for tailoring for state family courts (FreedomWatchUSA.org/how-to-combat-tyranny-on-the-federal-bench/)

No. **24-7187**

IN THE SUPREME COURT OF THE UNITED STATES

ELIZABETH ANNE FITZGIBBON – PETITIONER

vs.

ADAM PAUL FITZGIBBON – RESPONDENT

CERTIFICATION OF GOOD FAITH AND NOT FOR DELAY

I, Elizabeth Anne Fitzgibbon, in accordance with Rule 44.6, certify that both my May 9, 2025 Petition for Writ of Certiorari and my October 28, 2025 Petition for Rehearing (attached) are presented in good faith and not for delay.

I do so in timely response to this Court's November 5, 2025 request, before the 15-day deadline (November 20, 2025) of Rule 29.2.

I declare under penalty of perjury that the foregoing is true and correct.

Respectfully submitted, this 12th day of November, 2025.

By: _____

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